

Resolution No.: 16-453
Introduced: November 20, 2007
Adopted: February 12, 2008

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: Council President at the Request of the County Executive

SUBJECT: Amendment to the Maryland-National Capital Park and Planning Commission's (M-NCPPC) FY07-12 Capital Improvements Program, and Supplemental Appropriation to the FY08 Capital Budget for Acquisition: Local Parks, Project #767828

Background

1. Article 28, section 2-118(a)(6) of the Annotated Code of Maryland permits the County Council to amend the budget of the M-NCPPC by resolution on the Council's initiative, or at the request of the Commission, after receipt of a recommendation from the County Executive, and after public hearing upon reasonable notice to the public.
2. Section 307 of the Montgomery County Charter states that a supplemental appropriation shall be recommended by the County Executive, who shall specify the source of funds to finance it. The Council shall hold a public hearing on each proposed supplemental appropriation after at least one week's notice. A supplemental appropriation that would comply with, avail the County of, or put into effect a grant or a federal, state, or county law or regulation, or one that is approved after January 1 of any fiscal year, requires an affirmative vote of five (5) Councilmembers. A supplemental appropriation for any other purpose that is approved before January 1 of any fiscal year requires an affirmative vote of six (6) Councilmembers. The Council may, in a single action, approve more than one supplemental appropriation. The Executive may disapprove or reduce a supplemental appropriation, and the Council may reapprove the appropriation, as if it were an item in the annual budget.
3. Section 302 of the Montgomery County Charter provides that the Council may amend an approved capital improvements program at any time by an affirmative vote of six (6) Councilmembers.
4. M-NCPPC requests the following amendment to the FY07-12 CIP and supplemental appropriation to the FY08 Capital Budget:

Project Name	Project No.	Cost Element	Amount	Source of Funds
Acquisition: Local Parks	767828	Land	\$1,200,000	Program Open Space

The approved FY08 appropriation and expenditures were recommended prior to receipt of the State of Maryland's actual FY08 allocation to Montgomery County, and was based on the allocation known for FY06.

5. This amendment and supplemental appropriation will authorize expenditure of the additional Program Open Space allocation from the Maryland State Department of Natural Resources for acquisition of local parkland. This amendment is consistent with the criteria for amending the CIP because the project leverages significant non-County sources of funds (Program Open Space).
6. The County Executive recommends amendment of the FY07-12 CIP for the Maryland-National Capital Park and Planning Commission, and Supplemental Appropriation in the amount of \$1,200,000 for Acquisition: Local Parks, Project #767828, and specifies that the source of funds will be Program Open Space.
7. Notice of a public hearing was given and a public hearing was held.

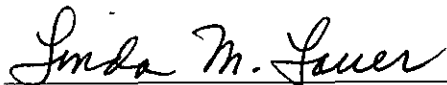
Action

The County Council for Montgomery County, Maryland, approves the following actions:

The FY07-12 Capital Improvements Program for the Maryland-National Capital Park and Planning Commission is amended as reflected on the attached project description form, and a supplemental appropriation is approved as follows:

Project Name	Project No.	Cost Element	Amount	Source of Funds
Acquisition: Local Parks	767828	Land	\$1,200,000	Program Open Space

This is a correct copy of Council action.



Linda M. Lauer, Clerk of the Council

Acquisition: Local Parks -- No. 767828

Category M-NCPPC
 Agency M-NCPPC
 Planning Area Countywide
 Relocation Impact

Date Last Modified
 Required Adequate Public Facility

November 2, 2007
 NO

EXPENDITURE SCHEDULE (\$000)

Cost Element	Total	Thru FY06	Rem. FY06	Total 6 Years	FY07	FY08	FY09	FY10	FY11	FY12	Beyond 6 Years
Planning, Design and Supervision	70	0	10	60	10	10	10	10	10	10	0
Land	10,188	0	443	9,745	3,545	2,200	1,000	1,000	1,000	1,000	0
Site Improvements and Utilities											
Construction											
Other	154	0	4	150	25	25	25	25	25	25	0
Total	10,412	0	457	9,955	3,580	2,235	1,035	1,035	1,035	1,035	*

FUNDING SCHEDULE (\$000)

POS-Stateside (P&P only)	0	0	0	0	0	0	0	0	0	0	0
Program Open Space	9,964	0	219	9,745	3,545	2,200	1,000	1,000	1,000	1,000	0
Federal Aid	0	0	0	0	0	0	0	0	0	0	0
Park and Planning Bonds	448	0	238	210	35	35	35	35	35	35	0
WSSC Bonds	0	0	0	0	0	0	0	0	0	0	0

ANNUAL OPERATING BUDGET IMPACT (\$000)

Program-Staff				78	13	13	13	13	13	13	0
Program-Other				18	3	3	3	3	3	3	0
Net Impact				96	16	16	16	16	16	16	0

DESCRIPTION

This project identifies capital expenditures and appropriations for local parkland acquisitions, including related costs for surveys and appraisals. Local parks include urban, neighborhood, and neighborhood conservation area parks, as defined by the Park, Recreation, and Open Space (PROS) Plan. Acquisitions may include Piney Branch Road Urban Park and Cross Creek Local Park addition. Other unspecified sites and additions to existing sites may be pursued if they become available and funds are available. To the extent possible, the Commission acquires parkland through dedication at time of subdivision; however, to meet all parkland needs, this method must be supplemented by a direct land purchase program.

JUSTIFICATION

The Park, Recreation, and Open Space Master Plan (PROS): A Local Land Preservation and Recreation Plan, approved by the Montgomery County Planning Board in July 1998, and other adopted area master plans guide the local parkland acquisition program.

Cost Change

Increase due to the expected increase in Program Open Space funds, and the addition of FY11 and FY12 to this ongoing project

STATUS

Ongoing.

OTHER

Beginning in FY03, \$25,000 covers annual one-time costs to secure properties, e.g. removing attractive nuisances, posting properties, cleaning up sites, etc. These costs are not projected for operating budget impact because the Department does not know when the negotiations for a particular property will be concluded or which Division's operating budget will be affected.

* Expenditures will continue indefinitely.

FISCAL NOTE

FY06 Special Appropriation for additional \$400,000 Program Open Space funding. Also, cumulative appropriation adjusted to correctly reflect the disencumbered \$32,000 WSSC Bonds. FY07 Amendment for additional Program Open Space funding and Special Appropriation for \$2,545K POS.

APPROPRIATION AND EXPENDITURE DATA

Date First Appropriation	FY00	(\$000)
Initial Cost Estimate		0
First Cost Estimate		
Current Scope	FY97	11,001
Last FY's Cost Estimate		7,865
Present Cost Estimate		10,412
Appropriation Request	FY08	1,035
Supplemental Appropriation Request	FY08	1,200
Transfer		0
Cumulative Appropriation		4,037
Expenditures/Encumbrances		9
Unencumbered Balance		4,028
Partial Closeout Thru	FY05	10,893
New Partial Closeout	FY06	1,198
Total Partial Closeout		12,091

COORDINATION

Acquisition: Non-Local PDF 998798
 Legacy 2000 PDF 018710
 ALARF: M-NCPPC PDF 727007

M-NCPPC asserts that this project conforms to the requirements of relevant local plans as required by the Maryland Economic Growth, Resource Protection and Planning Act.

MAP